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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,824

01/06/2006

Toshiki Tsuchiya

MAT-8792US

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RATNERPRESTIA

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EXAMINER

HANNON, CHRISTIAN A

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,824

Applicant(s)

TSUCHIYA ET AL.

Examiner

Christian A. Hannon

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is response to applicant's response filed on 3/26/2007. Claims 1, 6-8 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Opela et al (US 7,039,443), hereinafter Opela in view of Chow et al (US 6,961,559), hereinafter Chow.

Regarding claim 1, Opela teaches a portable telephone device which is configured to be in an opened state and in a closed state (Column 3, Lines 1-8; Opela) comprising a memory part (Column 4, Lines 48-52) an open/close detector for detecting the opened state and the closed state of the portable telephone (Column 3, Lines 1-8; Opela), an automatic dialing part for automatically dialing a phone number when the open/close detector detects that the portable telephone has been opened (Column 9, Lines 1-32; Opela). However Opela fails to teach a phone number comparison part for recording a phone number to be automatically dialed and for comparing the at least one incoming phone number in the memory part with the phone number to be automatically dialed, an automatic dialing part for automatically dialing the at least one incoming

phone number when the open/close detector detects that the portable telephone has been opened after the incoming call is terminated, and when the phone number comparison part confirms that the one of the incoming phone number in the memory part is identical to the phone number to be automatically dialed. Chow teaches a phone number comparison part for recording a phone number to be automatically dialed and for comparing the at least one incoming phone number in the memory part with the phone number to be automatically dialed, and automatically dialing the at least one incoming phone number, when the phone number comparison part confirms that the one of the incoming phone number in the memory part is identical to the phone number to be automatically dialed (Column 71, Lines 62-65; Column 75, Lines 15-26 & 41-47; Chow). The examiner wishes to point out that the 'phone number to be automatically dialed' and the 'incoming phone number in the memory part' are being interpreted as the same phone number. That is since the prior art teaches that an incoming call log is stored in memory (incoming phone number in the memory part), and that that stored number is automatically dialed (phone number to be automatically dialed) that the prior art reads on the currently recited claim language. Therefore it would have been obvious to one of ordinary skill in the art to combine the automatic call back features of Chow with the wireless phone teachings of Opela in order to minimize user interaction in calling a number (avoiding the need to press a button to start a call).

Regarding claim 6, Opela and Chow teach claim 1 further comprising a display part for displaying the at least one incoming phone number (Column 75, Lines 58-63; Chow).

Regarding claim 7, Opela and Chow teach claim 1 where said telephone device is a fold type device (Figure 2 & Figure 3; Opela).

Regarding claim 8, Opela and Chow teach claim 1 where said telephone device is a slide type device (Column 11, Lines 26-29; Opela).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burke et al (US 6, 597,785) disclose an automatic caller ID call log dial back.

Kung et al (US 6,917,610) disclose an activity log for improved call efficiency.

Boakes (US 5,946,390) disclose an intelligent telephone system and method for determining dialing prefixes.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



C. A. Hannon
May 31, 2007



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